

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 18, 2010 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 18, 2010 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. Helen Price Johnson, Chair, Angie Homola, Member, and John Dean, Member were present. The meeting began with the Pledge of Allegiance.

PUBLIC INPUT OR COMMENTS (Record Part 1 @ :55)

Charlona Sawyer expressed concern about the budget, wanting to know if the \$740,000 savings in health benefits is still available after negotiations with the unions in the current budget. Ms. Marlow answered that the savings in health benefits is already factored into the 2011 budget. If an agreement cannot be reached with the unions then the budget will need substantial adjustment.

James Moore, Intervenor in the Spina appeal, said he wanted to make a comment about the Crockett Barn application since he didn't attend the appeal hearing. One of Spina's complaints was that the permit only allowed her 30 days of events and he wanted to offer a little different view of that belief. In reality, the permit allows her 329 days of events; 30 at 200 people and 299 at 50 people. If the Board does the math that is over 20,000 people showing up less than 400 feet from his front door step for a party that he generally is not invited to. So that is an adverse impact and he wanted to point out to the Board that it is just not 30 days, it is 329 days of events and those other 299 from the 30 are at 50 people each. When you have 20,000 people doing anything it adds up. He encouraged the Board to uphold the Hearing Examiner's decision.

CONSENT AGENDA (Record Part 1 @ 3:25)

[Documents on file with the Clerk of the Board]

BY UNANIMOUS MOTION (3-0) the Board approved the following items presented on the Consent Agenda:

Pre-audited vouchers: \$888,692.61
Warrants: \$ 146,890.02
Electronic funds transfers: \$447.72

Concerning the Puget Sound Energy bills, Commissioner Homola suggested a conversation with Mark Asmundson, Director of Northwest Clean Air, who reviewed Northwest Clean Air's bills from Puget Sound Energy and determined that Northwest Clean Air could save a good deal of money in charges. She encouraged Ms. Marlow to meet with Mr. Asmundson when he next visits the County to establish whether the County is in the best category with Puget Sound Energy for the type of service received. Dan Sherk would be invited to participate.

Minutes from previous meeting(s): None presented

Human Resources - Personnel Action Authorizations

None presented

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 18, 2010 – REGULAR SESSION**

Human Services

Contract with Readiness to Learn Whidbey Foundation to provide the CASASTART Program to at-risk-youth. Contract No. HS-19-10; \$12,500 (RM-HS-10-0361)

Public Health

Request for exception from competitive solicitation procurement for contract with Christopher Spitters, MD to provide medical consultation services for the Tuberculosis Program from 1/1/11 through 12/31/11

REGULAR AGENDA

No items

PUBLIC HEARINGS

[Documents on file with the Clerk of the Board]

Planning & Community Development (Record Part 2)

Ordinance C-84-10 [PLG-007-10] In the Matter of Adopting an Interim Official Control that Regulates the Use of Property within the Freeland Non-Municipal Urban Growth Area.

The proposed ordinance adopts the Freeland NMUGA interim development regulations addressing the following: (1) Eliminates the potential for new uses to be established that are classified as non-conforming under the Land Use Element of the Freeland Sub Area Plan; 2) Allows interim development only after it is demonstrated that the activity will not preclude future urban growth, uses, and infrastructure; and 3) Goes into effect immediately and shall remain in effect for a period of six months, or as soon as permanent rules are adopted, whichever is earlier.

At 10:15 a.m. Chair Price Johnson opened the public hearing.

Mr. Boscolo explained that the proposed ordinance would renew the previous effort, Ordinance C-31-10, adopted on April 26, 2010 which is set to expire on October 26. He described past actions the County has taken to keep the process moving. There is a possibility that this interim control may be the last.

The public comment period was opened and there being none, public comment was closed.

IT WAS MOVED BY DEAN, SECONDED BY HOMOLA, to ADOPT Ordinance C-84-10 (PLG-007-10). MOTION CARRIED: 3-0 (GMA No. 10520)

COMMISSIONERS COMMENTS & ANNOUNCEMENTS (Record Part 2 @ 5:35)

Commissioner Homola

- Report from the last Northwest Clean Air Agency meeting
- Report from the State Building Code Council meeting

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 18, 2010 – REGULAR SESSION**

Commissioner Dean

- Report from the North Sound Mental Health Administration meeting

Chair Price Johnson

- Data report from the Island County Economic Profile through the Northwest Workforce Council
- Attended designation of Smith and Minor Island Aquatic Reserve
- Report from Coastal Caucus meeting

At 10:30 a.m. the Chair announced that the Board would recess, reconvening in Executive Session at 11:00 a.m. as provided under RCW 42.30.110(1)(i) to meet with the County's legal counsel, Deputy Prosecuting Attorney Dan Mitchell, concerning potential or pending litigation. The Executive Session would take place in the Board's Conference Room #216 and was expected to last approximately 20 minutes. No announcement was expected.

At 11:00 a.m. the Board, along with legal counsel, went into Executive Session. Following Executive Session the Board recessed at 11:20 a.m., reconvening in open session at 11:30 a.m.

At 11:30 a.m. the Board reconvened in open session to submit its Decision and Findings in APP 132/10 Paula Spina.

CLOSED RECORD APPEAL HEARING (Record Part 3)

Decision & Findings: APP 132/10, Paula Spina: Appeal of the conditions of approval by the Island County Hearing Examiner in granting Site Plan Approval of SPR 169/09 which designated the existing Crockett Farm barn, 1056 Crockett Farm Road, as a Rural Event Center

The Chair commented that the Board has reviewed the record, held a Public Hearing on October 4 to consider testimony, as well as considered the briefs submitted by Appellant, Staff, and the Intervenor. The Board also reviewed the Island County Code as applied and the definition of a Rural Event Center. The appropriate standard for review was noted as being whether there is substantial evidence in the record to support the Hearing Examiner's conditions of approval. A number of court cases were offered as substantial evidence being defined as a *quantum of evidence sufficient to persuade a fair minded person that the premise is true*.

Board members presented their individual statements and there was agreement to affirm the permit with conditions for use of the Crockett Barn as a Rural Event Center. Staff was directed to craft specific Decision and Findings language to include the following modifications:

- Item 1 - No appeal
- Item 2 – add words *development of the Rural Event Center* and omit ~~uses~~ to clarify that the site plan approval does not apply to the remainder of the property. Also add, *All other activities at this site are governed by the Island County Zoning Code Requirements*.
- Item 3 – Technical correction changing *Western* to *Eastern*, agreeable to all parties.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 18, 2010 – REGULAR SESSION**

- Items, 4,5,6 & 7 – No changes/not appealed
- Item 7A – Accept recommendation from Appellant, no change from Hearing Examiner decision. A mutually-agreed upon change already handled in number 3.
- Item 8 – Plant hedgerows whenever it is the appropriate time of year to do so and as soon as possible.
- Item 9 – Make sure that whatever the hedgerow requirements are, that they be in keeping with the Ebey's National Historic Reserve Guidelines. Add phrase, *All landscaping, existing screening, and hedgerows must be maintained in a manner sufficient to provide visual screening.*
- Item 10 & 11 – No change
- Item 12 – suggested, *as long as the delivery vehicles do not block egress.* The primary access must be off Fort Casey Road, there should be no blockage of any private access road anywhere in the County. Suggested instead, *All event visitor's vehicles* to make it clear that the Board is not intending to keep someone delivering tents for set-up wouldn't be able to access the road. Staff will draft language that speaks to the Board's intent.
- Item 13 – uphold Hearing Examiner's condition
- Item 14 – modification of *7-10 Sunday through Thursday and 7-11 Friday and Saturday. Outdoor activities cease by Sunday through Thursdays at 9:30 and 7-11 Friday and Saturday at 10:30.* Bascially, outdoor activities should cease one-half hour before closing.
- Item 15 – Definition of event: Events with no more than 75 or fewer attendees at any given time should not be counted toward the limitation. Good faith estimate of a log of events should be made available. Strike: *one three-day weekend period* as code is clear that Rural Event Centers should be a permanent facility that operates on a continuous basis.
- Item 16 – All amplified entertainment should follow code of 55 Dc at the exterior property lines of the property. Restriction should be based upon Dc levels at the property level which is the standard held across the county. Add, *separate administrative approval from the Planning Director* when necessary.
- Item 17 – Odd to restrict to "brown" tent. Omit, *as recommended by the Historic Review Committee, 38 tents*; add, *tents, canopies, and tarps are allowed only in the current garden as shown on the site plan and north of the barn. All temporary tents or canopies must be removed within a timely fashion.*
- Items 18, 19, 20, 21, and 22 – uphold the Hearing Examiner's conditions

Staff will present the Commissioners with a proposed Decision and Findings for action at the Board's next Regular Meeting on October 25.

COMMISSIONERS' COMMENTS AND ANNOUNCEMENTS (Record Part 3 @ 38:33)

Chair Price Johnson

- Letter to Peter Goldmark re Smith and Minor Islands Reserve
- Report that one of the ferries broke down between Mukilteo and Clinton. Mr. Hollett of Emergency Management was called for assistance since the backup was over three hours long.

Commissioner Homola

- Will attend an Affordable Housing Seminar

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 18, 2010 – REGULAR SESSION**

Clerk of the Board

- Ms. Marlow reviewed the Commissioners' calendars

There being no further business to come before the Board the meeting adjourned at 12:21 p.m. The Board will meet next in Regular Session at 11:00 a.m. on October 25, 2010 for Roundtable, followed by agenda items at 2:00 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Helen Price Johnson, Chair

Angie Homola, Member

John Dean, Member

ATTEST:

Elaine Marlow, Clerk of the Board